

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) VICKI JO LEWIS, individually and as co-)
Personal Representative of the ESTATE OF)
ISAIAH MARK LEWIS, deceased; and)
(2) TROY LEVET LEWIS, individually and as)
co-Representative of the)
ESTATE OF ISAIAH MARK LEWIS, deceased,)
Plaintiffs,)
vs.) Case No. CIV-19-489-R
(1) CITY OF EDMOND, OKLAHOMA;)
(2) POLICE SGT. MILO BOX; AND)
(3) POLICE OFFICER DENTON SCHERMAN,)
Defendants.)

**MOTION FOR AN EXTENSION OF TIME TO FILE PLAINTIFF'S OBJECTIONS
TO DEFENDANTS' MOTIONS IN LIMINE, DEFENDANTS' JOINT PROPOSED
JURY INSTRUCTIONS, AND DEFENDANTS PROPOSED VOIR DIRE**

Plaintiffs Vicki Jo Lewis and Troy Levet Lewis, individually and as Co-Personal Representatives of the Estate of Isaiah Mark Lewis ("Isaiah"), deceased, moves the Court for an extension of time to file their objections to Defendants' Motions in Limine, Defendants' Joint Proposed Jury Instructions, and Defendants' Proposed Voir Dire, and in support of same, states as follows:

1. Pursuant to this Court's Order filed January 19, 2021 (Dkt. 48) the parties were directed to file any objections to the proposed jury instructions, motions *in limine* and *voir dire* of the opposing party on July 6, 2021 ("Pre-Trial Objections").
2. On July 6, 2021, while Plaintiffs' counsel was preparing Plaintiffs' objections to Defendants' proposed jury instructions, motions *in limine* and *voir dire*, Plaintiffs' counsel received the Court's ruling on the Defendants' summary judgment motions. (Dkt. 108) Shortly after

receiving the summary judgment ruling, the Court set a July 7, 2021 status conference with all counsel “to discuss the case,” which is set for trial on July 12, 2021.

3. Plaintiffs’ counsel held the completion of Plaintiffs’ Pre-Trial Objections in abeyance in order to study the Court’s summary judgment ruling, explore the potential effect of that opinion on the case, and prepare for the conference with the Court on July 7, 2021 at 9:30 a.m. Plaintiffs’ exploration included a consideration of, among other things, questions of the availability of an interlocutory appeal to Plaintiffs’ under 28 U.S.C. § 1292(b) and Federal Rules of Appellate Procedure 5, questions of the limitations to an interlocutory appeal by Defendant Scherman on the issue of qualified immunity,¹ and questions of the effect of the summary judgment opinion of the pre-trial filings of both parties. As a result of this, Plaintiffs’ counsel has been unable to complete Plaintiff’s Pre-Trial Objections.

Wherefore, Plaintiffs respectfully requests that the Court grant Plaintiffs an extension of time to file their objections to July 8, 2021 or such other time as the Court considers fair and equitable.

Respectfully submitted,

s/ Andrew M. Stroth

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¹ Counsel for the individual defendants informed the Court and the Plaintiffs during a pre-trial conference on June 30, 2021 that an interlocutory appeal on the qualified immunity question would likely result from a denial of summary judgment against Defendant Box or Defendant Scherman.

and

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